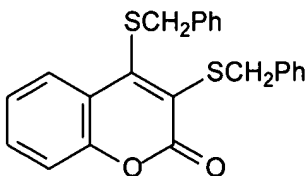


### **REMARKS**

The Office Action mailed on March 07, 2005, and the reference cited therein, have been carefully studied and, in view of the preceding amendments and following remarks, reconsideration and allowance of this application are most respectfully requested. Claims 1-31 are currently pending, the Examiner has rejected claims 1-3, 8-10, 13-24 and 26-31 and has objected to claims 4-7, 11, 12 and 25. Claims 1 and 2 are amended herein. Applicants respectfully submit that the pending claims are in condition for allowance.

#### **Rejection under 35 U.S.C. §102(b)**

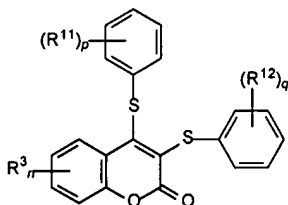
The Examiner has rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Siddiq et al. (*J. Chem. Soc.* 1983, 5(2), 73-77). Particularly, the Examiner refers to compound VIII, which is reproduced below:



It is the Examiner's position that Claims 1-3 are met by Siddiq et al. when "[f]or claim 1 R1/R10 are both unsubstituted aralkyl (phenylmethyl); n=0 meaning R3 is not present; claim 2 n/p/q are zero; claim 3 p/q are zero."

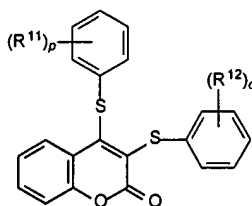
Claim 1 is amended herein. Applicants respectfully submit that claim 1 is now in condition for allowance.

Applicants respectfully submit that claim 2 is not anticipated by Siddiq et al. In the compounds of Claim 2, reproduced below, the phenyl groups are each directly bonded to the sulfur atoms.



Such compounds are not taught or suggested by Siddiq et al. Thus, Applicants respectfully submit that claim 2 is in condition for allowance.

Applicants respectfully submit that claim 3 also is not anticipated by Siddiq et al. In the compounds of Claim 3, reproduced below, the phenyl groups are each directly bonded to the sulfur atoms.



Such compounds are not taught or suggested by Siddiq et al. Thus, Applicants respectfully submit that claim 3 is in condition for allowance.

### **Rejection under 35 U.S.C. §112, second paragraph**

Claims 8-10, 13-23 and 24-31 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner objects to the transitional term “comprising” as it is “inclusive or open-ended and does not exclude additional unrecited elements or method steps.”

Applicants respectfully submit that the use of the transitional term “comprising” does not render a claim indefinite. Rather, it is among the most conventional and widely used claim terms. A search of issued patents from 1976 to the present reveals that over two million issued patents (out of the nearly three million patents that issued in this time period) use the terms

“comprising” or “comprises” in the claims. As set forth in MPEP § 2111.03, the transitional phrases “comprising,” “consisting essentially of” and “consisting of” have well understood meanings in the field of patent law and define the scope of a claim with respect to whether additional unrecited components are excluded from the scope of the claim. “Comprising” is a term of art used in claim language which means that the named elements are essential, but that other element may also be present, even in major amounts. The “open-ended” nature of the term comprising is recognized and accepted, and use of the term does not render a claim indefinite. Applicants respectfully request that the Examiner withdraw this rejection.

#### **Other Remarks**

Claim 2 has been amended to correct a typographical error.

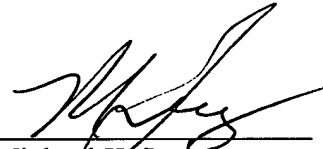
#### **Conclusion**

In view of the foregoing, it is respectfully submitted that the rejections are overcome and the pending claims are in condition for immediate allowance. If there are any questions relating to the instant application, the Examiner is respectfully requested to telephone the undersigned attorney.

Respectfully submitted,

KENYON & KENYON

Dated: 7/06/05

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